

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) CITY OF OKLAHOMA CITY,

Plaintiff,

Case No. 5:19-cv-00076-G

v.

(1) PURDUE PHARMA L.P.; (2) PURDUE PHARMA INC.; (3) THE PURDUE FREDERICK COMPANY, INC.; (4) CEPHALON, INC.; (5) TEVA PHARMACEUTICAL INDUSTRIES, LTD.; (6) TEVA PHARMACEUTICALS USA, INC.; (7) JANSSEN PHARMACEUTICALS, INC.; (8) JOHNSON & JOHNSON; (9) ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC.; (10) JANSSEN PHARMACEUTICA, INC.; (11) ENDO HEALTH SOLUTIONS INC.; (12) ENDO PHARMACEUTICALS INC.; (13) ALLERGAN PLC; (14) ACTAVIS PLC; (15) ACTAVIS PHARMA, INC.; (16) WATSON PHARMACEUTICAL, INC.; (17) WATSON PHARMA, INC.; (18) WATSON LABORATORIES, INC.; (19) ACTAVIS LLC; (20) MALLINCKRODT PLC; (21) MALLINCKRODT LLC; (22) INSYS THERAPEUTICS, INC.; (23) MCKESSON CORP.; (24) CARDINAL HEALTH, INC.; (25) AMERISOURCEBERGEN CORP.; (26) ANDA PHARMACEUTICALS, INC.; (27) ANDA, INC.; (28) GCP PHARMA, LLC; (29) KEYSOURCE MEDICAL, INC.; (30) MORRIS & DICKSON CO, LLC; (31) QUEST PHARMACEUTICALS, INC.; (32) THE HARVARD DRUG GROUP, LLC; (33) PHYSICIANS TOTAL CARE, INC.; (34) WILLIAM VALUCK, M.D.; (35) HARVEY JENKINS, M.D.; (36) RUSSEL PORTENOY, M.D.; (37) PERRY FINE, M.D.; and (38) LYNN WEBSTER, M.D.,

Defendants.

**ENDO HEALTH SOLUTIONS INC. AND ENDO PHARMACEUTICALS INC.'S  
MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY**

Defendants Endo Health Solutions Inc. and Endo Pharmaceuticals Inc. (collectively, “Endo”) respectfully request leave to file supplemental authority in support of their Opposition to Plaintiff’s Motion to Remand (Doc. 49).

On April 3, 2019, the Eastern District of Oklahoma granted a motion to stay in a virtually identical opiate lawsuit and deferred consideration of a pending remand motion raising materially identical issues to those raised here. Memorandum and Order, *Board of County Commissioners of Seminole County, Oklahoma v. Purdue Pharma L.P. et al.*, No. 6:18-cv-00372-JWL (E.D. Okla. Apr. 3, 2019) (the “Order”) (attached as Exhibit 1). The Court observed “that the general rule is for federal courts to defer ruling on pending motions to remand in MDL litigation until after the JPML has transferred the case,” Order at 3, and concluded that “the relevant considerations weigh heavily in favor of a stay . . . pending the JMPL’s ruling on transferring the case to the MDL,” *id.* at 6. The Court further noted that “jurisdiction does not appear to be lacking in this case.” *Id.* at 5. The Court observed that severance of the non-diverse defendants pursuant to Federal Rule of Civil Procedure 21 “would present an attractive option for a court because it would allow the claims against the other defendants to be included in the MDL, where they are most appropriately and efficiently litigated.” *Id.* at 5, n.5.

On the same day the Court entered its stay order, the JPML transferred the case to the MDL over Plaintiff’s objection. *In re Nat’l Prescription Opiate Litig.*, MDL No. 2804, Doc. 4053 (Apr. 3, 2019) (attached as Exhibit 2).

DATED: April 8, 2019

/s/ Ray E. Zschiesche

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*\* denotes national counsel who will seek pro  
hac vice admission*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was filed with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Dated: April 8, 2019

/s/ Ray E. Zschiesche

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